

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S

(b) County of Residence of First Listed Plaintiff Foreign
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

MSN Laboratories Pvt. Ltd., MSN Pharmaceuticals Inc. and MSN Life Sciences Pvt. Ltd.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

35 U.S.C. §271

Brief description of cause:

Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

See attachment

DATE

10/23/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Steven J. Balick

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

SUPPLEMENT TO CIVIL COVER SHEET SECTION VIII (RELATED CASES)

A. The following cases all have been filed in the District of Delaware and are hereby identified as related cases:

RELATED CASES	DATE FILED
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Zenara Pharma Private Ltd. and Biophore India Pharmaceuticals Private Ltd., Civil Action No. 1:19-cv-01938-LPS	October 11, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Ajanta Pharma Ltd., Civil Action No. 1:19-cv-01939-LPS	October 11, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Teva Pharmaceuticals USA, Inc., Civil Action No. 1:19-cv-01955-LPS	October 15, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Amneal Pharmaceuticals LLC, Amneal Pharmaceuticals Company GmbH and Raks Pharma Pvt. Ltd., Civil Action No. 1:19-cv-01952-LPS	October 15, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Hetero Labs Ltd., Hetero Labs Ltd. Unit-V, Hetero USA, Inc., Hetero Drugs Ltd. and Honour Lab Ltd., Civil Action No. 1:19-cv-01954-LPS	October 15, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Princeton Pharmaceutical Inc., Civil Action No. 1:19-cv-01956-LPS	October 15, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Alkem Laboratories Ltd., Civil Action No. 1:19-cv-01964-LPS	October 16, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Aurobindo Pharma Ltd. and Aurobindo Pharma USA, Inc., Civil Action No. 1:19-cv-01965-LPS	October 16, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Unichem Laboratories Ltd., Civil Action No. 1:19-cv-01977-LPS	October 17, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Accord Healthcare Inc., Civil Action No. 1:19-cv-01987-LPS	October 18, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Lupin Limited and Lupin Pharmaceuticals, Inc., Civil Action No. 1:19-cv-01988-LPS	October 18, 2019

RELATED CASES	DATE FILED
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Apotex Inc., Apotex Corp., Apotex Pharmachem Inc. and Signa S.A. de C.V., Civil Action No. 1:19-cv-02006-LPS	October 23, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Alembic Pharmaceuticals Ltd. and Alembic Pharmaceuticals, Inc., Civil Action No. 1:19-cv-02007- LPS	October 23, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Optimus Pharma Pvt. Ltd., Civil Action No. 1:19-cv-02008- LPS	October 23, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. MSN Laboratories Pvt. Ltd., MSN Pharmaceuticals Inc. and MSN Life Sciences Pvt. Ltd., Civil Action No. 1:19-cv-02009- LPS	October 23, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Zydus Pharmaceuticals (USA) Inc. and Cadila Healthcare Ltd., Civil Action No. 1:19-cv-02024- LPS	October 25, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Macleods Pharmaceuticals Ltd. and Macleods Pharma USA, Inc., Civil Action No. 1:19-cv-02065- LPS	October 30, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Sandoz Inc. and Sandoz International GmbH, Civil Action No. 1:19-cv-02080-LPS	November 1, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Alkem Laboratories Ltd., Civil Action No. 1:20-cv-01286-LPS	September 24, 2020
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Accord Healthcare Inc. and Intas Pharmaceuticals Ltd., Civil Action No. 1:20-cv-01287-LPS	September 24, 2020
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Unichem Laboratories Ltd., Civil Action No. 1:20-cv-01295-LPS	September 25, 2020
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Lupin Limited and Lupin Pharmaceuticals, Inc., Civil Action No. 1:20-cv-01296-LPS	September 25, 2020

RELATED CASES	DATE FILED
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Amneal Pharmaceuticals LLC, Amneal Pharmaceuticals, Inc., Amneal Pharmaceuticals Company GmbH, Raks Pharma Pvt. Ltd., Amneal Pharmaceuticals of New York, LLC and Amneal EU, Ltd., Civil Action No. 1:20-cv-01297-LPS	September 25, 2020
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Optimus Pharma Pvt. Ltd., Civil Action No. 1:20-cv-01332-LPS	October 1, 2020
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Ajanta Pharma Ltd., Civil Action No. 1:20-cv-01335-LPS	October 1, 2020
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Alembic Pharmaceuticals Ltd. and Alembic Pharmaceuticals, Inc., Civil Action No. 1:20-cv-01365-LPS	October 8, 2020

B. The following cases have been filed in another district, and are hereby identified as related cases:

RELATED CASES	DATE FILED
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Accord Healthcare Inc. and Intas Pharmaceuticals Ltd., Civil Action No. 1:19-cv-1072-TDS (M.D.N.C.) (Terminated)	October 18, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Zydus Pharmaceuticals (USA) Inc., Cadila Healthcare Ltd. and Zydus Healthcare (USA) LLC, Civil Action No. 3:19-cv-19394-FLW (D.N.J.) (Terminated)	October 25, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Sandoz Inc. and Sandoz International GmbH, Civil Action No. 1:19-cv-3112-RBJ (D. Colo.) (Terminated)	November 1, 2019
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Accord Healthcare Inc. and Intas Pharmaceuticals Ltd., Civil Action No. 1:20-cv-00878-TDS-JLW (M.D.N.C.)	September 24, 2020

C. The below-referenced related cases are being filed on the same date as the subject complaint, and therefore do not yet have a civil action number or an assigned judge:

RELATED CASES	DATE FILED
Otsuka Pharmaceutical Co., Ltd. and H. Lundbeck A/S v. Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. (Delaware)	October 23, 2020